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| 10/518,187 | 12/16/2004 | Roger Remmel | 487.1097 | 5605 |

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| EXAMINER |
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NGUYEN, CHI Q

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| ART UNIT | PAPER NUMBER |
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3635

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12/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,187

Applicant(s)

REMMEL ET AL.

Examiner

Chi Q. Nguyen

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>1/31/2005 and 12/16/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to applicant's patent application filed on 12/16/2004.

Status of Claims

Claims 1-23 have been cancelled. Please make a correction of Listing of Claims

"Claims 1-24 (canceled)" should read --1-23 (canceled)--.

Newly filed claims 24-46 are pending and have been examined.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 1/31/2005 and 12/16/2004 is being considered by the examiner.

Claim Objections

Claim 31 is objected to because of the following informalities: a citation "the intermediate lever" does not have antecedent basis. Appropriate correction is required. Examiner believes "an auxiliary lever" cited in claim 30 should read --an intermediate lever--. Correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A citation "wherein the intermediate lever and the main lever include essentially as U-shaped parts that engage one over the other in a locked state of the stanchion" is confusing.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Patent No. EP 0831001 to Kneissl.

Claim 24:

Kneissl discloses in Fig. 4, a stanchion for a tarpaulin structure which can be locked on a fixing member, the stanchion comprising: a counterbearing 18, and a supporting element 4 insertable between the fixing member 6 and the counterbearing 18.

Claim 25:

Wherein the supporting element 4 comprises a lower boundary, which is matched in a form-fitting manner to the fixing member 6, and an upper boundary, which is matched in a form-fitting manner to the counterbearing 18.

Claim 26:

Wherein the supporting element 4 is fixed on a part of the stanchion.

Claim 27:

Wherein the supporting element 4 is fixed on the fixing member.

Claim 28:

Wherein the supporting element 4 is a separate part to the stanchion and fixing member.

Claim 29:

Further comprising a lever 19 arrangement configured to raise and lock the stanchion, and wherein the supporting element is disposed on the lever arrangement.

Claim 30:

Wherein the lever arrangement includes a main lever 22', on which the supporting element is fixed, and an auxiliary lever 22 that connects the main lever and the body of the stanchion.

Claim 31:

Wherein the intermediate lever and the main lever include essentially as U-shaped parts that engage one over the other in a locked state of the stanchion (Figs. 1 and 4).

Claim 32:

Wherein the supporting element and the counterbearing are covered by a base of at least one of the U-shaped levers in the locked state of the stanchion.

Claim 33:

Wherein the main lever has a joint (no labeled but shown in Fig. 4) for the auxiliary lever a handle recess (see Fig. 1) arranged above the joint.

Claim 34:

Kneissl discloses a stanchion for a tarpaulin structure which can be locked on a fixing member that includes a lever 19 arrangement having joints and configured to raising and lock the stanchion, the stanchion comprising: a counterbearing 18; and a supporting element 4 insertable between the fixing member 6 and the counterbearing 18, such that when the stanchion is locked, the joints (see Fig. 4) of the lever arrangement do not transmit any vertical forces.

Claim 35:

Wherein the lever arrangement includes a claw 24 part which can be brought into engagement with the fixing member.

Claims 36-38:

Wherein the stanchion has a foot region 27 and a transverse web 5 in the foot region, and wherein, in a locked state of the stanchion, the transverse web extends behind a lug 21 of the fixing member.

Claim 39:

Wherein the counterbearing 18 upwardly bounds a cutout of the stanchion (Figs. 2 and 4).

Claim 40:

Wherein the stanchion is composed of an upper stanchion part and a lower stanchion part which grip in each other.

Claim 41:

Wherein the lower stanchion part has a profile with projections which run in a longitudinal direction of the stanchion and have a rectangular profile (Fig. 2).

Claim 42:

Further comprising a supporting surface, a longitudinal support, and an extension having rollers (wherein 13 points in Fig. 2), and wherein, when the stanchion is raised, the supporting surface comes into contact with the longitudinal support and the extension protrudes above the supporting surface.

Claim 43:

Wherein the counterbearing includes a metal body connected fixedly to a body of the stanchion.

Claim 44:

Kneissl discloses a stanchion arrangement for a fixing member 6; a stanchion 1, which can be locked and released from said fixing member, the stanchion comprising a counterbearing 8; and a supporting element 4 insertable between the fixing member and counterbearing.

Claim 45:

Kneissl discloses a tarpaulin frame for a loading area built over by a tarpaulin structure, including longitudinal supports which run above edges of the loading area, wherein the longitudinal supports are supported against the loading area by at least one stanchion arrangement, said stanchion arrangement comprising: a fixing member 6; a stanchion 1, which can be locked and released from said fixing member, the stanchion having a foot 27 region and a counterbearing 18; and a supporting element 4 insertable between the fixing member and counterbearing, wherein the fixing member is secured in a region of the loading area and the stanchion is locked in the foot region on the fixing member and

is supported against a corresponding longitudinal support by means of an upper supporting surface.

Claim 46:

Wherein the tarpaulin structure is a sliding tarpaulin (see Fig. 4).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at (571) 272-6777.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.


CQN

11/29/2007

/J. CHAPMAN/
PRIMARY EXAMINER